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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,110	04/09/2004	Richard Gossweiler III	200401713-1	1713

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EXAMINER	
QUIETT, CARRAMAH J	
ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
04/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/822,110	GOSSWEILER ET AL.	
	Examiner	Art Unit	
	Carramah J. Quiett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11 and 13-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11 and 13-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 12/20/2007, have been entered and made of record. Claims 1, 2-11, and 13-17 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2-11, and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1, 3, 4, 6-8, 10-14 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Pat. 5,796,428) in view of Squilla et al. (U.S. Pat. #6,396,537).

For **claim 1**, Matsumoto discloses a method of creating photo vignettes, said method comprising:

storing said digitized photos (col. 7, line 57 -- col. 8, line 13);

accessing digitized photos (col. 8, lines 13-20);

accessing photo-clustering parameters (col. 8, lines 28-35); and

clustering said digitized photos in accordance with said photo-clustering parameters to obtain digitized photo vignettes (col. 8, lines 28-35).

accessing a photo-distributing parameter (col. 8, lines 13-35); and

selectively distributing said digitized photo vignettes in accordance with said photo-distribution parameter (col. 8, lines 13-35).

However, Matsumoto does not expressly teach receiving digitized photos over a communication network; and selectively distributing said digitized photo vignettes to recipients over a communication network.

In a similar field of endeavor, Squilla teaches receiving digitized photos over a communication network (col. 4, line 54 – col. 5, line 9); and selectively distributing said digitized vignettes to recipients over a communication network (col. 5, line 46 -- col. 6, line 50). In light of the teaching of Squilla, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Matsumoto with the method as recited in claim 1 in order to access captured photos at a different site thereby providing interactive communication with a user (Squilla, col. 2, lines 30-46).

For **claim 3**, Matsumoto, as modified by Squilla, teaches the method as recited in Claim 1, wherein said photo-distribution parameter is selected from the group consisting essentially of:

the time when said digitized photos were taken (col. 8, lines 52-56; col. 10, lines 35-52; figs. 10-12), the geographic location at which the digitized photos were taken (col. 13, line 31-67; figs. 31-34), a camera used to take said digitized photos (col. 7, lines 31-56; Squilla, col. 8, lines 1-22), a camera's position relative to the subject mater of said digitized photos (col. 12, line 62 – col. 13, line 30; figs. 26-30), a specified subject matter of said digitized photos (col. 9, line 53 – col. 10, line 35; figs. 5-9), the person who produced said digitized photos (col. 14, lines 1-37; figs. 5 and 35-38), a receiver of said digitized photo vignettes (fig. 1, ref. 102; col. 8, lines13-

35), and a confidentiality classification of the subject matter of said digitized photos (col. 9, line 53 – col. 10, line 4; fig. 5).

Claims 4, 13 and 14 are method claims where each of claims 4, 13, and 14 corresponds to the method claim 3. Therefore, claims 4, 13, and 14 are each analyzed and rejected as previously discussed with respect to claim 3.

For **claim 6**, Matsumoto, as modified by Squilla, teaches the method as recited in Claim 1, further comprising:

Annotating at least a portion of said digitized photo vignettes with meta data pertaining to said digitized photo vignettes.

For **claim 7**, Matsumoto discloses a system for inducing acquisition of photo images (fig. 1), said system comprising:

a photo-accessor (110/111) for accessing the photo images (col. 8, lines 13-20);

a photo-clusterer (101) for clustering said photo images to obtain digitized photo vignettes (col. 8, lines 28-35); and

a photo-distributor (102) for selectively distributing said digitized photo vignettes in accordance with said photo-distribution parameter (col. 8, lines 13-35).

However, Matsumoto does not expressly disclose receiving photo images over a communication network; and selectively distributing said digitized photo vignettes to recipients over a communication network.

In a similar field of endeavor, Squilla teaches receiving digitized photos over a communication network (col. 4, line 54 – col. 5, line 9); and selectively distributing said digitized vignettes to recipients over a communication network (col. 5, line 46 -- col. 6, line 50).

In light of the teaching of Squilla, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Matsumoto with the method as recited in claim 1 in order to access captured photos at a different site thereby providing interactive communication with a user (Squilla, col. 2, lines 30-46).

For **claim 8**, Matsumoto , as modified by Squilla, discloses the system of Claim 7, further comprising:

a media repository (104/109) for storing said photo images and said digitized photo vignettes (col. 8, lines 13-35).

For **claim 10**, Matsumoto , as modified by Squilla, discloses the system of Claim 7, wherein said photo-distributor comprises a digitized photo presentation module (ref. 113; col. 8, lines 13-27).

For **claim 11**, Matsumoto, as modified by Squilla, discloses a computer-readable medium (104/109) comprising computer executable instructions stored therein, said instructions for causing a computer system (fig. 1) to perform a method corresponding to method claim 1. Therefore, claim 11 is analyzed and rejected as previously discussed with respect to claim 1.

Claim 16 is a computer-readable medium, method claims corresponding to the method claim 6. Therefore, claim 16 are analyzed and rejected as previously discussed with respect to claim 6.

5. **Claims 5, 9, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Pat. 5,796,428) in view of Squilla et al. (U.S. Pat. #6,396,537) as applied to claims 1, 7 and 11 above, and further in view of Iida (U.S. 2004/0008260).

For **claim 9**, Matsumoto, as modified by Squilla, discloses the system of Claim 7, wherein said photo-accessor is configured to access digitized photo images acquired from a photo-acquisition device selected from a group consisting essentially of:

a conventional camera (fig. 1, ref. 101), and an existing repository (104/109). Please read col. 8, lines 18-35).

However, Matsumoto does not expressly disclose a digitized cell-phone camera, a video camera, a computer camera, a Personal Digital Assistant, and a photo Scanner.

In a similar field of endeavor, Iida discloses a digitized cell-phone camera, a video camera, a computer camera, a Personal Digital Assistant, and a photo Scanner. Please see fig. 1 and read pages 4-5, paragraphs 40 and 45-46. In light of the teaching of Iida, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a digitized cell-phone camera, a video camera, a computer camera, a Personal Digital Assistant, and a photo Scanner in the selection of the group for acquiring digitized photo images in order to provide a functional improvement system for the photography system thereby increasing the satisfaction of the user (Iida, page 1, paragraph 8).

Claims 5 and 15 are method claims where each of claims 5 and 15 corresponds to the apparatus (system) claim 9. Therefore, claims 5 and 15 are each analyzed and rejected as previously discussed with respect to claim 9.

6. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Pat. 5,796,428) in view of Squilla et al. (U.S. Pat. #6,396,537) as applied to claim 11 above, and further in view of Hull (U.S. Pat. #5,806,005).

For **claim 17**, Matsumoto, as modified by Squilla, discloses the computer-readable medium of Claim 11, comprising a digital storage device (fig. 1, refs. 104/109) including a CD, a diskette, and a digital memory device (col. 7, lines 38-40 and col. 7, line 61 – col. 8, line 11).

Matsumoto also discloses a cassette (magnetic tape device; col. 8, lines 6-8). However, Matsumoto does not expressly disclose video and electronic mail. In a similar field of endeavor, Hull discloses a digital storage device (fig. 1, ref. 12) including a video and electronic mail (col. 2, lines 1-30). In light of the teaching of Hull, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital storage device of Matsumoto to store video and email messages in order to provide larger storage capacity suitable for a portable device (Hull, col. 1, lines 7-23).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571)272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. J. Q./
Examiner, Art Unit 2622
March 30, 2008

/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622